

21 January 1980

Mr. Joseph Pulitzer, Jr., Editor
St. Louis Post-Dispatch
900 North 12th Boulevard
St. Louis, Missouri 63101

Dear Mr. Pulitzer:

I encourage you again to contact my office for the facts before you err in print as you did in your editorial titled, Censorship Considered, on 26 December 1979. We are anxious to be helpful.

First of all the Central Intelligence Agency has never admitted that Mr. Snepp's book contained no classified information. That subject has never been publicly addressed. Snepp was taken to court for violating his secrecy agreement with this Agency--an agreement determined by the court to be a binding and legal contract.

Second, the intransigence of Mr. Frank Snepp in violating the terms of the secrecy agreement he signed as an Agency employee relates in no way to authors who have never taken such an oath--nor to freedom of the press.

I am chairman of the Publications Review Board, that body which reviews manuscripts to ascertain whether they contain legitimate classified material identified under existing statutes. We do not "clear" or "censor" manuscripts. It may interest you to know that in the past 3 years we have reviewed 198 manuscripts and disapproved only 3 for security reasons. The Agency regulation which specifies the duties of the Publications Review Board states in part, "Approval will not be denied solely because the subject matter may be embarrassing to or critical of the Agency."

My office is in business to answer public and media inquiries to assist you in keeping the U.S. public accurately informed. We will welcome hearing from you.

Sincerely,

Herbert E. Hetu
Director of Public Affairs

ST. LOUIS POST-DISPATCH
26 DECEMBER 1979

Censorship Considered

Although the U.S. Supreme Court has had months to consider the case of Frank Snepp — from whom the government has been trying to collect damages for writing a book about the CIA without clearance — the justices apparently are still unable to decide what action, if any, to take on this suit that has broad implications for freedom of the press. Earlier this year, the U.S. Court of Appeals for the Fourth Circuit upheld a federal district judge's decision that former CIA agent Snepp, in writing without agency clearance a book about the blunders of the CIA in the last days before the U.S. evacuation of Saigon, had violated the oath of secrecy he took as an agent.

Even though the CIA admitted that the book contained no classified material, the appellate court affirmed the lower court's judgment that Mr. Snepp was required for the rest of his life to submit for clearance any speech or written work (even fiction) that might touch on the agency. The Court of

Appeals did not, however, accept the trial judge's farfetched ruling that the secrecy oath conferred on the government a "constructive trust" that, if the oath was violated, entitled the U.S. to all money made on the book. The appellate court held that this rule would only apply if the author wrote about secret matters.

Even the narrower ruling of the Court of Appeals poses a grave threat to the free speech and press rights not only of many former government employees but of other authors who make use of such materials and of their publishers. By upholding the secrecy oath rationale of the Snepp case, the Supreme Court conceivably might even be able to penalize the writing of a book like "The Brethren," a newly published work about the high court. Whatever one may think of such exposes, the government should not be able to censor books, especially those by writers with inside knowledge of the public's business.

STAT